

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STEPHANIE TAYLOR, *et al.*,  
Plaintiffs,

v.

ROSS MACDOUGALL, *et al.*,  
Defendants.

CASE NO. 2:19-cv-01869-RAJ-JRC

ORDER DENYING MOTION TO  
ADMIT EVIDENCE

Plaintiff, proceeding *pro se*, requests that the Court admit evidence. *See* Dkt. 83. Plaintiff has filed approximately 150 pages of documents that she argues are admissible pursuant to Federal Rule of Evidence 402 and in response to a motion to dismiss filed by certain defendants. Dkt. 83, at 1; *see also* Dkt. 75.

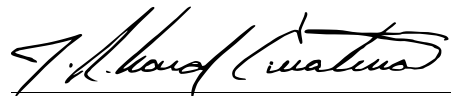
Plaintiff previously requested to file this evidence, but the Court denied her motion because her filing did not comply with the Court's local rules regarding redaction of confidential information. *See* Dkt. 72. Plaintiff states that she has now redacted the documents appropriately. *See* Dkt. 83, at 2.

1 Nevertheless, the Court declines to admit the evidence at this time. Plaintiff offers the  
2 evidence in support of her response to a motion to dismiss. But a response to a motion to dismiss  
3 does not require evidentiary submissions and must instead address whether the allegations of the  
4 complaint, taken as true, state a cognizable claim for relief. *See Van Buskirk v. Cable News*  
5 *Network, Inc.*, 284 F3d 977, 980 (9th Cir. 2002). Therefore, the evidence is not considered for  
6 the purpose of responding to this motion.

7 The Court denies her motion without prejudice, meaning that plaintiff may request to  
8 have this evidence admitted at an appropriate later time. Plaintiff should be aware, however, that  
9 it is typically premature to submit evidence until she is either responding to a summary judgment  
10 motion or the matter proceeds to trial. Federal Rule of Civil Procedure 56, for instance, governs  
11 summary judgment motions and allows a party making arguments about the facts to cite to  
12 “particular parts of materials in the record, including depositions, documents, electronically  
13 stored information, affidavits or declarations, stipulations (including those made for purposes of  
14 the motion only), admissions, interrogatory answers, or other materials.” Fed. R. Civ. P.  
15 56(c)(1)(A).

16 For the reasons set forth above, the Court denies plaintiff’s motion to admit evidence  
17 (Dkt. 83) without prejudice.

18 Dated 25th day of September, 2020.

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21 J. Richard Creatura  
22 United States Magistrate Judge  
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